

1 THE REGULAR MEETING  
2 OF THE  
3 BOARD OF DIRECTORS  
4 TRABUCO CANYON WATER DISTRICT  
5 SEPTEMBER 16, 2009  
6

7 The Regular Meeting of the Board of Directors of the Trabuco Canyon  
8 Water District (TCWD) was called to order by President Matt Disston at 7:00  
9 p.m. at Trabuco Canyon Water District's office located at 32003 Dove Canyon  
10 Drive, Trabuco Canyon, CA. Sharon E. Smith, Secretary/Treasurer, recorded and  
11 transcribed the minutes thereof.

12 **DIRECTORS PRESENT**

13 Matt Disston, President  
14 Mike Safranski, Vice President  
15 Jim Haselton  
16 Glenn Acosta  
17 Ed Mandich

18 **STAFF PRESENT**

19 Hector Ruiz, District Engineer  
20 Sharon E. Smith, Secretary/Treasurer  
21 Teresa Teichman, Assistant to the General Manager  
22 Michael Perea, Special Projects Manager  
23 Robert Anslow, District Legal Counsel (Bowie, Arneson, Wiles & Giannone)

24 **PUBLIC PRESENT**

25 Paul Lee of Bowie, Arneson, Wiles & Giannone

26 **PLEDGE OF ALLEGIANCE**

27 Director Acosta led the Board, staff, and public in the pledge of  
28 allegiance.

**PUBLIC COMMENTS**

Public comments were announced; there were no comments.

**ORAL COMMUNICATION**

Oral communication was announced; there were no comments.

**DIRECTOR'S COMMENTS**

1 Director Acosta provided information from the recent Water Advisory  
2 Committee of Orange County meeting.

3 Vice President Safranski noted that Board President Matt Disston was  
4 selected to speak to the Local Agency Formation Commission (LAFCO) relating to  
5 the Municipal Water District of Orange County (MWDOC) governance study.

6 Director Mandich reported that he attended the LAFCO meeting, provided  
7 information from the meeting, and stated that President Disston provided an  
8 excellent presentation on behalf of the South Orange County agencies.

9 President Disston provided further information concerning the LAFCO  
10 meeting and recent South Orange County Wastewater Authority activities.

11 The Directors discussed issues relating to the MWDOC governance study.

12 **REPORT FROM THE GENERAL MANAGER**

13 In the absence of the General Manager, Mr. Hector Ruiz, District  
14 Engineer, briefly reviewed information distributed at the time of the Regular  
15 Board Meeting.

16 **ITEMS TOO LATE TO BE AGENDIZED**

17 No items were presented for consideration.

18 **CONSENT CALENDAR**

19 President Disston announced that all matters under the Consent  
20 Calendar would be approved by one motion unless a Board Member requests a  
21 separate action on a specific item.

22 MOTION: A motion was made by Vice President Safranski and seconded  
23 by Director Haselton to approve the Consent Calendar, Item  
24 Nos. 1A through 1D, as presented. The motion carried 5-0.

25 **ACTION CALENDAR**

26 President Disston stated that the General Manager and staff had  
27 reviewed all matters under the Action Calendar prior to the Board's  
28 consideration.

**ADMINISTRATIVE MATTERS**

29 **ITEM NO. 1E. RESPONSE TO COUNTY OF ORANGE'S DEVELOPMENT OF ITS 2010**  
30 **LEGISLATIVE PLATFORM**

1 The Board reviewed a proposed response to the County of Orange's 2010  
2 Legislative Platform and provided brief comments to staff; the comments will  
3 be included in the District's response.

4 **ITEM NO. 1F. ASSOCIATION OF CALIFORNIA WATER AGENCIES COMMITTEE**  
5 **APPOINTMENT NOMINEES FOR THE 2010-2011 TERM**

6 Mr. Ruiz introduced this matter. The Board discussed reexamining its  
7 position of usually not supporting candidates for various ACWA/JPIA Board  
8 and committee positions. Following the discussion, it was determined that  
9 letters from all candidates requesting support will be brought before the  
10 Board for consideration.

11 **ITEM NO. 1G. STATUS UPDATE RELATING TO CALIFORNIA DROUGHT AND WATER**  
12 **CONSERVATION EFFORTS**

13 A status update relating to calls from customers concerning the water  
14 ordinance and methods to conserve water was provided. A report from MWDOC  
15 concerning the historical water use comparison was provided.

16 **FINANCIAL MATTERS**

17 **ITEM NO. 1H. DISCUSSION AND POSSIBLE ACTION RELATING TO SPECIAL**  
18 **ASSESSMENT FROM THE SOUTH ORANGE COUNTY WASTEATER AUTHORITY**

19 Mr. Ruiz noted that the District received a letter request from the  
20 South Orange County Wastewater Authority for a voluntary contribution related  
21 to the State Appeal of Administrative Liability Order No. R-2009-0048.

22 President Disston noted that a second contribution request may be  
23 forthcoming as well and urged the Board to support the request.

24 MOTION: A motion was made by Director Acosta and seconded by  
25 Director Mandich to support the South Orange County  
26 Wastewater Authority contribution in the amount of  
27 \$1,300.00. The motion carried 5-0.

28 **ENGINEERING MATTERS**

**ITEM NO. 1I. STATUS UPDATE RELATING TO BAKER REGIONAL WATER TREATMENT**  
**FACILITY**

Mr. Ruiz provided a status report and project schedule, noting that a  
decision can be made in November as to whether or not the District will  
continue to participate in the project; the preliminary cost estimate will be

1 available at that time. The design phase will then follow with a second "off  
2 ramp" for participates which will occur in August or September of 2010.

3 Following discussion, it was determined that a special workshop will be  
4 scheduled to discuss the project in further detail.

5 The Board received and filed the status update.

6 **ITEM NO. 1J. STATUS UPDATE AND POSSIBLE ACTIONS RELATING TO ROSE CANYON  
7 AND LANG WELLS UPGRADES TO TREATMENT FACILITIES**

8 **Status Update**

9 Mr. Ruiz reviewed the well project, noting that CDM provided  
10 architectural modifications and renderings to address the concerns from local  
11 residents from the canyon who live near the project. The modifications will  
12 be listed as alternative bid items. The Board discussed the conceptual  
13 modifications and expenses involved.

14 **Change Order No. 1**

15 Mr. Ruiz presented and explained Change Order No. 1 from CDM in the  
16 amount of \$48,872.00.

17 **Funding Level Increase**

18 Mr. Ruiz stated that the State has revised the funding level to  
19 \$3,621,152.00. Following receipt of the construction bids, staff will  
20 request that the amount of the loan be amended to include the construction  
21 cost from the most responsive bidder as well as engineering, legal, and other  
22 costs that have been incurred.

23 **Fiscal Services Agreement**

24 Staff recommended that California Bank and Trust be selected as the  
25 Fiscal Agent.

26 **Security Agreement**

27 Staff recommended that the Board approve the Security Agreement.

28 Mr. Ruiz answered questions from the Board and stated that the  
Department of Public Health has extended the project completion date to  
August 31, 2010.

MOTION: A motion was made by Director Acosta and seconded by  
Director Haselton to:  
1) Approve the increase in the loan funding level to  
\$3,621,152.00;  
2) Approve the CDM Change Order No. 1 totaling \$48,872.00;

1                   3) Approve the Fiscal Services Agreement with California  
2                   Bank & Trust; and,  
3                   4) Approve the Security Agreement  
4       DISCUSSION: A discussion took place concerning value engineering and the  
5                   alternative bids.  
6       VOTE:       The motion carried 5-0.

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8  
9       **ITEM NO. 1K.           DISCUSSION AND POSSIBLE ACTIONS RELATING TO ORANGE COUNTY**  
10                               **FIRE AUTHORITY SANITARY FACILITIES**

11       Mr. Ruiz stated that the Orange County Fire Authority (OCFA) intends to  
12       remodel its existing fire station located within O'Neill Regional Park. The  
13       septic tanks will be abandoned, and the OCFA will tie into the County of  
14       Orange's sewer facilities located within the park. Seven individuals will be  
15       housed at the station, and the sewer flow will total 700 gallons per day.

16       Two agreements are required with the District. The agreement with the  
17       OCFA includes sewer capacity fees; the agreement with the Santa Margarita  
18       Water District provides for sewer collection and treatment services. A third  
19       agreement will be put in place between the County of Orange and the OCFA which  
20       will allow the OCFA to use the County's existing sewer facilities.

21       Mr. Ruiz recommended that the Board approve the agreements.

22       MOTION:       A motion was made by Vice President Safranski and seconded  
23                   by Director Acosta to approve the Agreement for Provision of  
24                   Public Sanitary Facilities and Provision of Certain  
25                   Services, Trabuco Canyon Water District and Orange County  
26                   Fire Authority, with non-substantive changes. The motion  
27                   carried 5-0.

28       MOTION:       A motion was made by Vice President Safranski and seconded  
29                   by Director Acosta to approve the Agreement Between Trabuco  
30                   Canyon Water District and Santa Margarita Water District to  
31                   Provide Sewer Services to Property within Trabuco Canyon  
32                   Water District, Orange County Fire Authority Wastewater  
33                   Facilities Located Within O'Neill Regional Park. The motion  
34                   carried 5-0.

35                   - END ACTION CALENDAR -

36       **ITEMS TOO LATE TO BE AGENDIZED**

37       No items were brought forward for consideration.

38       **OTHER MATTERS**

39       Mr. Ruiz noted that the District received a public information act  
40       request from *The Orange County Register* requesting Directors' water usage for  
41       a two-year period.

42       **ADDITIONAL DIRECTORS' COMMENTS**

43       There were no further comments.

**ADDITIONAL GENERAL MANAGER COMMENTS**

There were no additional comments.

**ADJOURNMENT**

At 8:45 p.m. President Disston adjourned the September 16, 2009 Regular Board Meeting.

Respectfully Submitted,

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Sharon E. Smith  
Secretary/Treasurer